

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday November 7, 2022– 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATIONS Rick Karp - Copper Ridge Green Belt Flooding

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Environmental Grant Allocations
2. Better Buildings Program
3. Christmas Food for Fines Program
4. New Business

CITY PLANNING COMMITTEE

1. Public Hearing Report - Zoning Amendment – TKC Parcel C-9B
2. Public Hearing Report - Zoning Amendment – TKC Parcel C-16B
3. Public Hearing Report - Zoning Amendment – 12 Sybil Circle
4. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CITY OPERATIONS COMMITTEE

1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Michelle Friesen

Vice-Chair: Kirk Cameron

November 7, 2022

Meeting #2022-25

1. New Business

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Mellisa Murray

November 7, 2022

Meeting #2022-25

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Kirk Cameron

Vice-Chair: Ted Laking

November 7, 2022

Meeting #2022-25

1. Environmental Grant Allocations
Presented by Manager Mélodie Simard
2. Better Buildings Program
Presented by Director Valerie Braga
3. Christmas Food for Fines Program
Presented by Acting Manager Kyle Morrison
4. New Business

ADMINISTRATIVE REPORT

TO: Development Services Committee
FROM: Administration
DATE: November 7, 2022
RE: Environmental Grant Allocations

ISSUE

Approval of Environmental Grant recommendations.

REFERENCE

[Environmental Grant Policy](#)

Appendix A – Environmental Grant Summary Chart

[Whitehorse Sustainability Plan \(2015\)](#)

HISTORY

The Environmental Grant is governed by Council's Environmental Grant Policy. The City of Whitehorse is committed to encouraging and enabling societies, commercial organizations, and schools to be active partners in achieving the City's sustainability goals.

The Environmental Grant provides funds up to \$25,000 annually to projects that advance the Whitehorse Sustainability Plan. The allocation of funds are divided into two tiered groups of funding: minor grants (up to \$1000) and major grants (over \$1000 to \$25,000).

While both tiers are governed by the Environmental Grant Policy, applications for minor grants are accepted year-round and are evaluated and approved by an internal administrative committee. Major grants have one annual intake (October 15th) and are evaluated by an administrative committee and approved by Council.

Applications submitted for major grants must first meet the initial eligibility criteria as identified in the policy. If eligible, the project is evaluated on factors such as support for the Whitehorse Sustainability Plan, benefit to Whitehorse and its residents, partnerships, environmental leadership and likelihood to succeed.

ALTERNATIVES

1. Approve recommendations for Environmental Grant allocations.
2. Refer the matter back to Administration.

ANALYSIS

The Administrative committee met on October 19, 2022 to review and evaluate three eligible applications. Funding available to support applications in this major grant intake

is \$25,000. Three applications were received with a total requested amount of \$32,649.80. All three applications met the initial eligibility criteria of the Policy. Administration is recommending that each project receive at least partial funding, with a total of \$24,040 be approved for funding.

Approved applicants will be notified in a letter issued by the City of Whitehorse.

The recommendations of the application review committee is provided in Appendix A – Environmental Grant Summary.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve Environmental Grant allocations in the amount of \$24,040.

Appendix A - Grant Summary
2022 Environmental Grant

#	Applicant	Priority/Type	Project	Amount Requested	Amount Recommended
1	Whitehorse Bike Kitchen Task Force	active transportation	Whitehorse Bike Co-op – experts teach bike maintenance for free	\$ 7,925.00	\$ 7,925.00
2	Heart of Riverdale Community Centre	local food	Sustainable and locally grown after-school program and preschool lettuce	\$ 2,191.80	\$ 2,082.00
3	Raven Recycling Society	waste diversion	Diversions – artists’ creative influence on rethinking waste at recycling depot	\$ 22,533.00	\$ 14,033.00
			Total Amount Requested:	\$ 32,649.80	
			Total Amount Available:	\$ 25,000.00	\$ 24,040.00

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: November 7, 2022
RE: Better Buildings Program

ISSUE

City of Whitehorse participation in the Yukon Government Better Buildings Program

REFERENCE

Municipal Act S.271.09(1)

Program Agreement (draft)

HISTORY

In 2019, the Government of Yukon announced a Better Buildings Program as a means to reduce greenhouse gas emissions by providing funding to facilitate energy-efficiency retrofits of existing residential and commercial buildings.

The Better Buildings program offers low-cost funding tied to eligible properties to support new energy efficient upgrades to homes and buildings throughout the Yukon. Participants can access funding of up to twenty-five percent of the assessed value of their property (subject to a maximum of \$50,000 for residential buildings and \$100,000 for commercial and institutional buildings) and repay the funding through local improvement charges (LIC) added to their annual property taxes over a term of five, ten or fifteen years.

When the program was announced, the City of Whitehorse was supportive of the program intentions but had a number of implementation concerns. The City of Whitehorse and representatives from the Association of Yukon Communities participated in extensive discussions with the Government of Yukon culminating in working group recommendations, which were subsequently adopted by the Government of Yukon.

If the City of Whitehorse chooses to participate in the program, the City must enter into a program agreement with Government of Yukon as noted in *Municipal Act*. s. 271.09(1).

ALTERNATIVES

1. Support the program and enter into a program agreement with Yukon Government
2. Do not support the program and refer back to administration

ANALYSIS

The Better Building Program loan criteria, approval and funding are the responsibility of the Government of Yukon. Ongoing administration of the program is shared between Yukon Government and participating municipalities with the municipality responsible to levy a LIC on the annual tax notice and collect on this charge annually.

While work with each loan will fluctuate, the City estimates 8 – 10 hours of additional staff work per project including incremental tasks such as:

- input and reconcile the annual LIC charge against each individual tax account in the accounting software
- answer questions, collect funds, explain the program, refer people to Yukon Government
- compile payments to send to Yukon Government at the end of tax collection period
- monitor accounts who may pay late and then remit payment to Yukon Government
- collect on outstanding LIC amounts through small claims, collections, etc.
- reconcile payments against LIC master lists
- prepare payment to Yukon Government
- answer auditor inquiries and pull backup documentation

As a result of the working group recommendations the City of Whitehorse will receive \$500 per LIC annually to partially offset the costs to administer the loan. The City will cover the balance of the costs to administer the program to reflect the City's shared commitment to reduce greenhouse gas emissions. Other notable working group recommendations that are incorporated in the program agreements include a provision for additional funds in cases of payment default, the adjustment of municipal remittance timelines, and the ability to review the agreement after two years.

In 2021 Yukon Government estimated over 1000 projects were expected to occur before 2030, with the vast majority in Whitehorse.

ADMINISTRATIVE RECOMMENDATION

THAT the City of Whitehorse support the Yukon Government Better Buildings Program and enter into a Program Agreement with Yukon Government to offer the program to Whitehorse residents who fall under the City's taxation authority.

Program Agreement
Better Buildings Funding Program

BETWEEN

GOVERNMENT OF YUKON as represented by
the Minister of Community Services, Government of Yukon (“Yukon”)

AND

CITY OF WHITEHORSE as represented by
the Mayor of the City of Whitehorse (the “Municipality”)

(Collectively the “Parties”).

WHEREAS:

- A. The Better Buildings Program (“Program”) is a Government of Yukon funding program established under Yukon law that facilitates energy-efficiency retrofits of eligible existing residential and commercial buildings;
- B. The Program provides funds to develop energy-efficiency retrofits to eligible applicants holding real property in unincorporated Yukon, and to eligible applicants holding real property in a municipality that enters a program agreement with Yukon pursuant to s. 271.09(1) of the *Municipal Act*, R.S.Y. 2002, c. 154, as amended;
- C. The Program can only provide funds to eligible projects that do not exceed the maximum annual amount of money appropriated by the Yukon Legislative Assembly;
- D. The Program depends on approved applicants repaying these funds through a local improvement tax levied on their real property by the applicable taxation authority;
- E. The Municipality would like to make the Program available to eligible residents of the Municipality;
- F. Yukon would like to provide the Program to the eligible residents of the Municipality; and
- G. The Parties wish to ensure clarity in their mutual interest in providing a timely, efficient and orderly Program within the boundaries of the Municipality.

NOW THEREFORE the Parties have entered into this Program Agreement (the “Agreement”) with the intention and desire to clearly state agreed-upon respective roles and responsibilities in offering the Program in accordance with applicable legislation.

Purpose

- 1. The purpose of this Agreement is to state the terms agreed to by the Parties to provide the Program within the boundaries of the Municipality.

Responsibilities

The Municipality will, in accordance with the *Assessment and Taxation Act*, R.S.Y. 2002, c. 13, *Municipal Act* R.S.Y. 2002, c. 154 and their regulations and in accordance with other applicable legislation, do the following:

2. As the applicable taxation authority, the Municipality will levy an annual local improvement tax (LIT) in the amount specified by Yukon on real property within the Municipality that Yukon has identified to it as being real property benefitting from funding under the Program, in the amount and for the number of years specified by Yukon.
3. The amount of the annual LIT, and the number of years for which it will be payable, will be specified in a program agreement between Yukon and the owner or owners of the identified real property, which agreement will signify the consent of the owner or owners of such property for the purposes of s. 57(11) of the *Assessment and Taxation Act* and for the purposes of s. 271.10(2) of the *Municipal Act*.
4. The Municipality will remit all LIT payments received by it under this Agreement through one payment to Yukon with a listing of each individual payment with full identification – owner, legal description, roll number, LIT number and amount – that comprise the total by the timeframes set out in s. 271.12(1)(b) of the *Municipal Act*, R.S.Y. 2002, c. 154, as amended.
5. If either Party terminates the Agreement, or Yukon terminates the Program:
 - (a) The Municipality will levy a LIT on any real property in accordance with article 2 where the owner of the property and Yukon have executed a program agreement prior to such termination, and the Municipality has not previously levied a LIT; and
 - (b) The Municipality will continue to perform its obligations under articles 2 and 4 in respect of any such program agreements entered into between the owner or owners of real property and Yukon prior to such termination for however many years as may be required to collect all amounts of LIT provided for under every such program agreement.
6. The Municipality will provide Yukon with municipal property tax information on real properties taking part in the Program upon request by Yukon.
7. The Municipality will use its legislated powers to collect all unpaid LITs as if it were a property tax debt owed to the Municipality and shall take all reasonable efforts to do so and shall also accept pre-payment of LIT's to be levied on real property in the future under a program agreement, if the owner or owners so wish.

The Yukon will, in accordance with the *Assessment and Taxation Act*, R.S.Y. 2002, c. 13, *Municipal Act* R.S.Y. 2002, c. 154 and their regulations and in accordance with other applicable legislation, do the following:

8. Yukon will offer the Program to eligible applicants in the Municipality.
9. Yukon will provide all Program funding, as available through appropriation by the Yukon Legislative Assembly.
10. Yukon will provide all Program administration other than that noted above in terms 2, 4, 5, 6, and 7 including but not limited to: addressing program inquiries, providing documentation, review of program applications, application acceptance and approval, provision of print literature, advertising, public education, LIT calculations, and LIT payout or processing lump sum payments on funding amounts.

Fees

- 11. Yukon will ensure that the Municipality receives a one-time municipal administration fee of \$500 per approved program agreement for Program funding within the Municipality. Yukon will pay the total of the fees on an annual basis no later than May 15.
- 12. One year after a program agreement for Program funding is executed, and for every year thereafter until the full amount to be recovered through a LIT under that program agreement has been recovered, Yukon will pay the Municipality a maintenance fee of \$500. For greater certainty, Yukon’s obligation to pay the annual maintenance fee begins the second year of the repayment obligation and ends at the conclusion of the last year of the repayment obligation or when the debt is fully repaid, whichever is earlier. Yukon will pay the total of the maintenance fees for the year the following April on a similar timeline to the Comprehensive Municipal Grant. The parties agree that the maintenance fee is a cost-recovery mechanism for administration of the Program and not meant to generate revenue.
- 13. Yukon will insert a LIT on property tax notices on behalf of the Municipality if Yukon had prepared the property tax notices for the Municipality prior to the start of the Agreement.
- 14. In the case of a default where the administrative cost is not fully recoverable by administrative charges allowable under the *Assessment and Taxation Act* or in cases of lien where the administrative cost is not recouped by the sale of the property and both LIT and municipal taxes owing, the Municipality may request that Yukon cover 50% of the costs incurred to recover the debt. Yukon will consider these requests on a case-by-case basis.
- 15. In the case of a default where the administrative cost is not fully recoverable by administrative charges allowable under the *Assessment and Taxation Act* or in cases of lien where the administrative cost is not recouped by the sale of the property and only LIT is owing, the Municipality may request that Yukon cover 100% of the costs incurred to recover the debt. Upon receipt of the request and if satisfied of the costs incurred to recover the debt, Yukon will grant the Municipality’s request.

Representatives

- 16. The representatives of the Parties with respect to this Agreement will be as follows:

For Yukon:	For Municipality:
Minister of Community Services	Mayor
Government of Yukon	City of Whitehorse
Box 2703	2121 Second Avenue
Whitehorse, Yukon	Whitehorse, Yukon
Y1A 2C6	Y1A 1C2

- 17. The Parties may, from time to time, update their address for delivery, and they may from time-to-time supply fax numbers and e-mail addresses for delivery to each other as appropriate.

Termination

- 18. This Agreement is to take effect upon the date of signing and will remain in effect unless terminated by either of the Parties by providing to the other Party ninety (90) days written notice.

Notice

19. Any notice required under this Agreement must be in writing, may be delivered by hand, sent by facsimile or registered mail, and must be signed by representatives empowered to terminate this Agreement on behalf of the Party.
 - (a) If sent by post, same shall be deemed to have been delivered one week from the date that it was deposited with Canada Post with first class postage prepaid.
 - (b) If delivered by hand, same shall be deemed to have been received at the time it was delivered.
20. In the event a dispute arises as to whether a notice was sufficiently delivered under this Agreement, the onus of providing delivery lies on the person claiming that such notice was delivered.

Amendment

21. This Agreement may be amended at any time by written agreement of the officials, or their successors, who executed this Agreement.

Review

22. Either Party may request a review of this agreement two years after it is executed.
23. The Municipality will provide a record of costs associated with the administration of this Agreement including but not limited to staff hours, fees, and operational expenses. Yukon may request that the Municipality submit the records of its costs at any time. Within sixty (60) days of receipt of this request, the Municipality must submit the record of its costs.

Jurisdiction

24. This Agreement is made under, and subject to, the laws in force in Yukon.
25. The Supreme Court of Yukon has jurisdiction over this Agreement.

Confidentiality of Information

26. The Parties acknowledge that both are bound by various territorial statutes related to the protection of privacy and access to information legislation.
27. In particular, Yukon is bound by the provisions of the *Access to Information and Protection of Privacy Act*, S.Y. 2018, c. 15, as amended.

Conflict between Legislation and Agreement

28. In circumstances where there is a conflict or inconsistency between this Agreement and *Assessment and Taxation Act* or the *Municipal Act*, or any associated regulations, the legislation and regulations shall prevail.

Entire Agreement

29. This Agreement constitutes the entire agreement between the Parties with respect to the subject matters set forth herein and supersedes any prior agreement, negotiation or understanding between the Parties. There are no other collateral agreements or understanding related to the subject matter hereof.

IN WITNESS WHEREOF the Parties have executed this Agreement by their duly authorized signatories on the dates noted below.

Government of Yukon

City of Whitehorse

Minister, Community Services

Mayor

Date

Date

Witness

Witness

ADMINISTRATIVE REPORT

TO:	Public Health and Safety Committee
FROM:	Administration
DATE:	November 7 th , 2022
RE:	Christmas Food for Fines Program

ISSUE

Approval of the annual 'Food for Fines' Program

HISTORY

In the spirit of contributing to those citizens who are less fortunate, and in demonstration of the holiday season and community goodwill, Bylaw Services is requesting approval to continue its annual 'Food for Fines' initiative in December 2022. The 'Food for Fines' program has been supported by the City since 2005.

Last December 2021, the 'Food for Fines' Program provided for non-perishable food and cash donations to be accepted as payment for 'time expired' parking meter or 'exceed two-hour time limit' violation tickets with proceeds donated to the Whitehorse Food Bank and Kaushee's Place. In 2021 a total of \$5,525 was raised.

In addition to the food items, cash donations received go toward the purchase of additional non-perishable food. The proposed local charities to receive the donations are:

1. **Whitehorse Food Bank** is open five days a week and provides services to numerous families throughout Whitehorse feeding approximately 3000+ people a month; and
2. **Kaushee's Place** provides food and shelter to 14-19 women and children daily, year round.
3. **Skookum Jim Friendship Centre** provides food and shelter to youth year round.

ALTERNATIVES

1. Approve a grant of specific parking fines to the Food Bank, Kaushee's Place, and Skookum Jim Friendship Centre in an amount not exceeding \$10,000 for the Christmas 'Food for Fines' Promotion
2. Do not implement the 'Food for Fines' program

ANALYSIS

The following chart outlines the revenue potentially generated by expired parking meter tickets.

Average number of tickets issued per week	540 to 600
Revenue @ \$10/\$25 ticket for one week	\$5,400 / \$15,000

Historically, the Food for Fines program was a one-week initiative. To better serve the community, an additional week has been added. During the two-week Christmas Food for Fines initiative, people will again have the option of donating non-perishable food items in lieu of regular ‘expired parking meter’ or ‘two-hour zone’ fine payments. Food items contributed must be of the same or higher value than the ticket. If such a food contribution is made, the ticket would then be considered “Paid in Full.”

Planned promotional support and advertising by the City during the month of December is available, if this initiative is approved. Promoting and advertising this initiative is seen as the best way to obtain full participation from the public.

Food items may be dropped off at City Hall, along with the ticket, so that financial elements of the program can be determined. A media event consisting of a ‘cheque presentation’ event is also planned for after the event in order that the total dollar value collected can be communicated to our city’s residents.

Only “Parking Meter” and “Two-Hour Zone” tickets issued on and between Saturday, November 26th and Saturday, December 10th, 2022 are eligible for this initiative. The cut off date for drop-off/payment of food items would be close of business on Wednesday, December 14th, 2022 with anticipated media presentation on Friday, December 16th. This would permit sufficient time for Bylaw Services to ensure delivery of the donated food to the two identified local charities and for these organizations to then distribute the food items to those families in need prior to December 25th, 2022.

ADMINISTRATIVE RECOMMENDATION

THAT the 2022 Christmas Food for Fines program be approved; and

THAT a grant not exceeding \$10,000 for parking meter ticket or two-hour zone fines issued between November 26th and December 10th, 2022 be approved to the Food Bank and Kaushee’s Place as part of the Christmas ‘Food for Fines’ program.

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Ted Laking

Vice-Chair: Michelle Friesen

November 7, 2022

Meeting #2022-25

1. Public Hearing Report - Zoning Amendment – TKC Parcel C-9B
Presented by Senior Planner Mathieu Marois
2. Public Hearing Report - Zoning Amendment – TKC Parcel C-16B
Presented by Senior Planner Mathieu Marois
3. Public Hearing Report - Zoning Amendment – 12 Sybil Circle
Presented by Senior Planner Mathieu Marois
4. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: November 7, 2022
RE: Public Hearing Report – Zoning Amendment – TKC Parcel C-9B

ISSUE

Public Hearing Report on a bylaw to amend the zoning of a portion of Ta'an Kwäch'än Council (TKC) Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses.

REFERENCES

- [2002 Ta'an Kwäch'än Council Final Agreement](#)
- [2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square](#)
- [2010 Official Community Plan](#)
- [2020 City of Whitehorse Servicing Standards Manual](#)
- [2015 National Building Code of Canada](#)
- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-35

HISTORY

TKC has applied to rezone a portion of TKC Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses. TKC parcel C-9B is located in Whistle Bend and accounts for 44 per cent of Future Area B. The proposed rezoning is for a portion of the parcel, approximately 1.0 hectare in area, which will result in approximately 24 townhouses.

Bylaw 2022-35 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and TKC;
- Mail notifications were sent to property owners within 100 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. Two written submissions were received, one in opposition and one with concerns. The proponent also spoke to the item at the public hearing.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the public input submissions:

- Housing priority for TKC citizens and for people of all levels of income;
- Traffic congestion in Whistle Bend;
- Trails and greenspace are being taken away;
- Proximity of the proposed development will pollute the Yukon River; and
- The number of proposed townhouses will pose a fire hazard.

Housing priority for TKC citizens and for people of all levels of income

The proponent spoke at the Public Hearing and clarified the purpose of their application and proposed development.

The proponent clarified that they seek to provide housing for TKC citizens as a priority, but that they will potentially house other members of the community once TKC citizens' needs are met. The proposed development is therefore not solely for TKC citizens. The proposed development is also not reserved for just one level of income.

Traffic congestion in Whistle Bend

A respondent noted that traffic congestion already exists in Whistle Bend and that additional housing will further contribute to the issue.

Traffic congestion within the overall Whistle Bend neighborhood is being examined through the Transportation Master Plan currently being developed which will address long-term transportation issues, both current and anticipated, across the City.

TKC parcel C-9B was included in the Whistle Bend neighbourhood since the initial planning of the area began in 2006. The subject site is designated as Residential – Urban in the Official Community Plan and therefore a residential development is anticipated to occur in this location. Notwithstanding this, the proposed development will result in 24 additional units and is not anticipated to result in significant increases to traffic within the overall Whistle Bend neighborhood.

Trails and greenspace are being taken away

Two respondents noted that access to trails on the subject site would be lost with the proposed development.

TKC selected the subject parcel as part of the 2002 TKC Final Agreement and retains rights to manage the use and occupation of its Settlement Land. Any trails that exist on the subject parcel are informal and were not authorized by TKC. TKC is not obligated to maintain public access to them.

The area north of TKC parcel C-9B is, however, anticipated to be designated as greenspace. Future Area B was designed to contribute 16.0 hectares of greenbelt and park space to the overall greenspace network in Whistle Bend, in addition to that which

may be provided on TKC parcel C-9B. The proposed TKC development will therefore not impact the implementation of the proposed greenbelt and park space areas intended for the area north of the subject site.

Proposed development will pollute the Yukon River

A respondent noted that the proximity of the proposed development to the Yukon River would pollute it.

The proposed development is not anticipated to result in any contamination of the river due to it being more than 600 metres away from the water body. In addition, greenspace is proposed between the subject site and the river which will assist in filtering any contaminant run-offs. It is also noted that other Whistle Bend areas are far closer to the river than the proposed development.

The final design of the proposed development will also be refined through detailed engineering and will be required to meet site drainage standards.

The number of proposed townhouses will pose a fire hazard

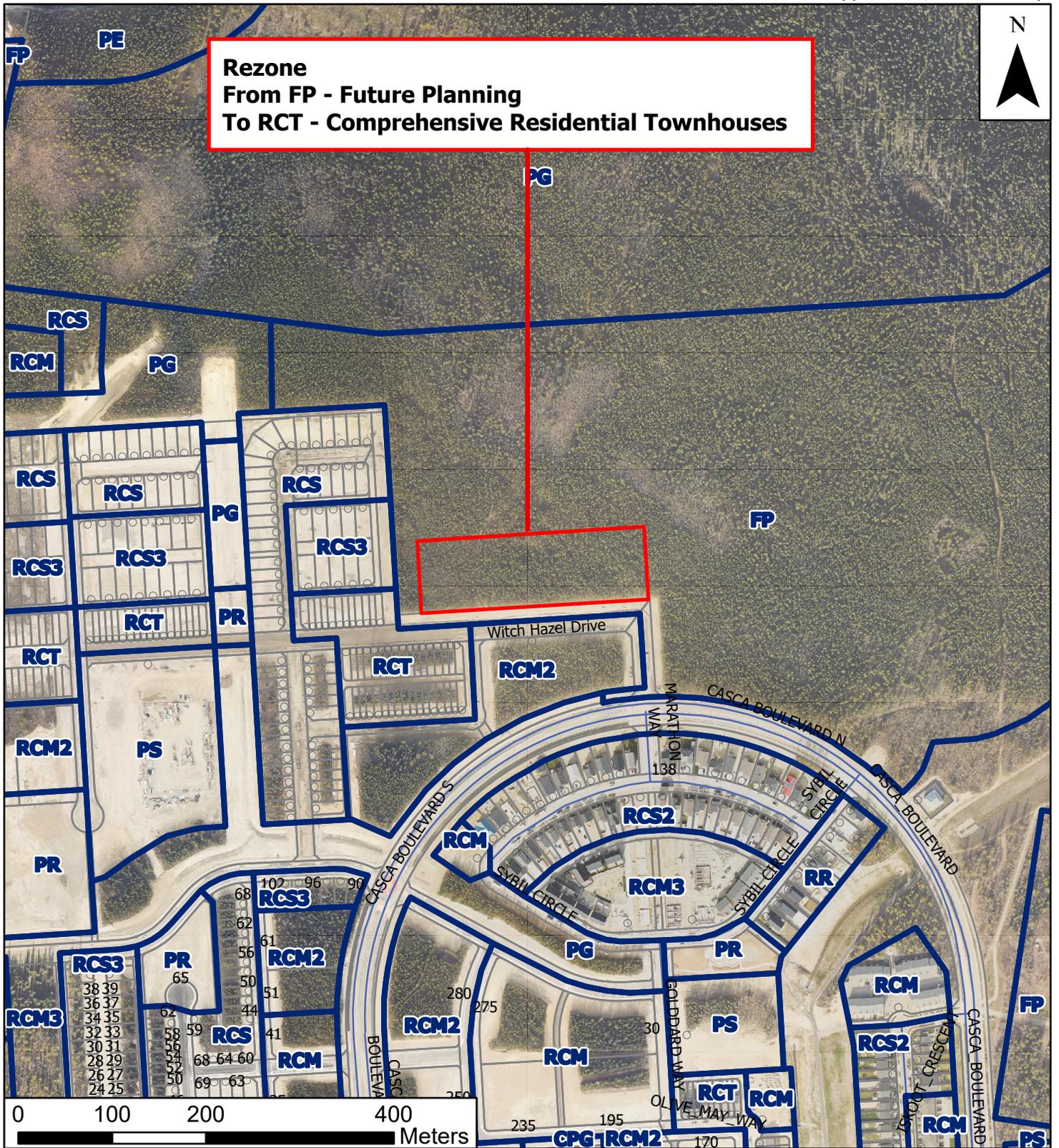
A respondent commented that having so many townhouses on one street poses a fire hazard.

Fire hazards posed by buildings are managed by the National Building Code and National Fire Code. These codes address the structural protection of buildings from fire and the operation and maintenance of fire protection measures in buildings. The implementation of the City of Whitehorse Servicing Standards Manual also mitigates the impacts of fire hazards by specifying the maximum allowable spacing between fire hydrants for each zoning type as well as minimum fire flows. The final design of the proposed development will be refined through detailed engineering and will be required to meet all fire protection standards.

It is noted that the proposed development is similar to other townhouse developments already existing in Whistle Bend, such as along Olive May way. The development will need to comply with the requirements of the RCT zone, including setbacks and maximum site coverages, just as any other development.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-35, a bylaw to amend the zoning of a portion of TKC Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses, be brought forward for second and third reading under the bylaw process.



**Rezone
From FP - Future Planning
To RCT - Comprehensive Residential Townhouses**



DATE:
September 6, 2022

FILE NO:
Z-16-2022

Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-35

A Bylaw to amend the zoning of a portion of TKC Settlement Land Parcel C-9B from FP - Future Planning to RCT - Comprehensive Residential Townhouses.



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: November 7, 2022
RE: Public Hearing Report – Zoning Amendment - TKC Parcel C-16B

ISSUE

Public Hearing Report on a bylaw to amend the zoning of a portion of Ta'an Kwäch'än Council (TKC) Settlement Land Parcel C-16B from FP – Future Planning to RSx – Residential Single Detached (modified).

REFERENCES

- [2002 Ta'an Kwäch'än Council Final Agreement](#)
- [2002 Ta'an Kwäch'än Council Self-Government Agreement](#)
- [2010 Official Community Plan](#)
- [2022-2024 Strategic Priorities](#)
- [YESAB 2020-0191 Alaska Highway Upgrades #1 KM 1429.8 to KM 1434.2: Consolidated Decision Document](#)
- [A – Conceptual Drawings](#)
- [2021 Snow and Ice Control Policy](#)
- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-36

HISTORY

TKC has applied to rezone a portion of TKC Settlement Land Parcel C-16B (Parcel C-16B) from FP – Future Planning to RSx – Residential Single Detached (modified). The proposed rezoning is for a portion of the parcel, approximately 2.8 hectares in area, which will result in approximately 25 housing units. A special modification is also proposed to permit mobile homes as a principal use.

Bylaw 2022-36 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon (YG) Land Management Branch, Kwanlin Dün First Nation, and TKC;
- Mail notifications were sent to property owners within 100 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. One written submission was received in opposition. Two members of the public spoke to the item at the public hearing as well as the proponents.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the public submissions:

- Future road configuration and improvements;
- Traffic;
- Opposition to having rental properties on the subject site;
- Opposition to having mobile homes on the subject site;
- Property values;
- Neighbourhood improvements;
- Rezoning opportunities to nearby property owners;
- Incorrect map provided; and
- Crime and safety.

Future road configuration and improvements

There were concerns with YG's future road improvements and road configuration in the vicinity of the proposed development. Although YG's road improvements are not considered to relate to this proposed development, it is further explained to provide clarity.

The latest publicly available conceptual drawings from YG, which were submitted to the Yukon Environmental and Socio-economic Assessment Board (YESAB), indicates that a proposed frontage road will connect Birch Street to Azure Road. There will be an upgraded access to Birch Street at 15th Avenue and new accesses at Wann Road and MacDonald Road. The 17th Avenue access to Birch Street will be closed.

The proposed road configurations and improvements were assessed by the YESAB in 2021 and it was recommended that the project be allowed to proceed. The public had the opportunity to comment on YG's project at that time.

Any concerns regarding YG's proposed road configuration should be raised with YG as the rezoning of the subject site is not impacted by YG's road improvement project or vice-versa.

Traffic

A comment was received that the proposed development would increase traffic along Birch Street.

It is noted that the subject site is designated as Residential – Urban in the Official Community Plan (OCP) and that a residential development is therefore anticipated to occur in this location. Notwithstanding this, the proposed development will result in 25 additional units and is not anticipated to result in significant increases to traffic along Birch Street. Any site specific considerations relating to traffic (e.g. access) will be addressed at detailed design stage.

It is also considered that any additional trips generated from the development will be reasonably accommodated within the road improvements proposed to be implemented by YG. If TKC's proposed development proceeds prior to YG's road improvements, TKC

will be required to extend Birch Street to current City standards to provide access to the proposed development. Details would be confirmed by a traffic impact analysis and finalized through a development agreement and engineering drawing approvals.

Opposition to having rental properties on the subject site

There was opposition by one member of the public to the housing units being rented as opposed to owned by the occupants.

TKC cannot sell its land. It can however offer a leasehold option. The proponent indicated at the public hearing that they anticipate that TKC will be able to make the necessary amendments to their Self-Government Agreement in order to be able to register leasehold interest with the Land Titles Office within a year. Once TKC can register leasehold interest, they will be able to offer leasehold options for the lots on their proposed development. With a leasehold property, the owner owns the assets on the property such as a house, but not the land it is built on. TKC is however not required to offer leasehold options once they have the ability to.

Furthermore, the Zoning Bylaw does not differentiate between rental and owned properties. Whether a property is used as a rental or not is not controlled through zoning. The concern is therefore not considered relevant to the proposed zoning amendment.

Opposition to having mobile homes on the subject site

A member of the public voiced opposition to allowing mobile homes on the subject site. A mobile home is defined in the Zoning Bylaw as a factory built single or multiple section single family dwelling unit designed to be transportable on its own chassis.

The RS zone allows for single detached, duplex, and triplex housing, depending on lot size. Mobile homes are a conditional use of the RS zone. The special modification to permit mobile homes as a principal use was requested in order to allow for the broadest range of housing options within the RS zone.

The proponent indicated at the public hearing that they have no intention of placing 25 mobile homes on the subject site. The application however included adding mobile homes as a principal use and following the public hearing, it was confirmed by the applicant that they do indeed want mobile homes permitted as an option for a principal use. Mobile homes can be an affordable housing option and can be built off-site year-round, potentially providing housing quicker. It is also noted that there is a requirement within the RS zone that restricts the placement of mobile homes to homes no older than ten years old.

New residential units across the housing continuum are needed in the city to address current and anticipated demand. Additionally, Council listed housing and development as a strategic priority for 2022-2024. Supporting TKC in their land development aspirations would therefore align with this strategic priority.

Property values

A member of the public noted that the proposed development would decrease nearby property values.

The subject site is designated as Residential – Urban in the OCP. TKC has the right to manage the use and occupation of its Settlement Land per the 2002 TKC Final

Agreement, within the confines of the OCP and zoning that they propose. Zoning regulations will ensure that the development is built to the same standards as other neighbourhoods or properties zoned RS. Nearby property values will therefore not be impacted to any greater degree than any other residential development enabled by the OCP.

Neighbourhood improvements

A member of the public asked if improvements were planned for the broader neighbourhood, such as greenspace, playgrounds, trails, road paving, and snow removal.

The proponent expressed at the public hearing that their intention is to design a family-friendly residential development. The proposed rezoning is for a portion of Parcel C-16B and TKC noted that there is potential for a second phase which could include a playground. Additionally, YG is proposing an All Ages and Abilities trail along Birch Street as a part of their overall road improvement project previously noted.

The City is responsible for snow and ice control on roadways within municipal boundaries, excluding highways and private properties. For the roads within the TKC C-16B, TKC may elect to pursue a road easement or service agreement with the City in order for road maintenance and snow removal to be completed by the City.

Rezoning opportunities to nearby land owners

A member of the public asked if the same rezoning opportunities that TKC is pursuing would be available to nearby property owners to capitalize on the changes in the neighbourhood.

Any land owner in the City, or an authorized agent of an owner, can apply to rezone their land. Section 15 of the Zoning Bylaw describes rezoning application requirements and the rezoning process.

Incorrect map provided

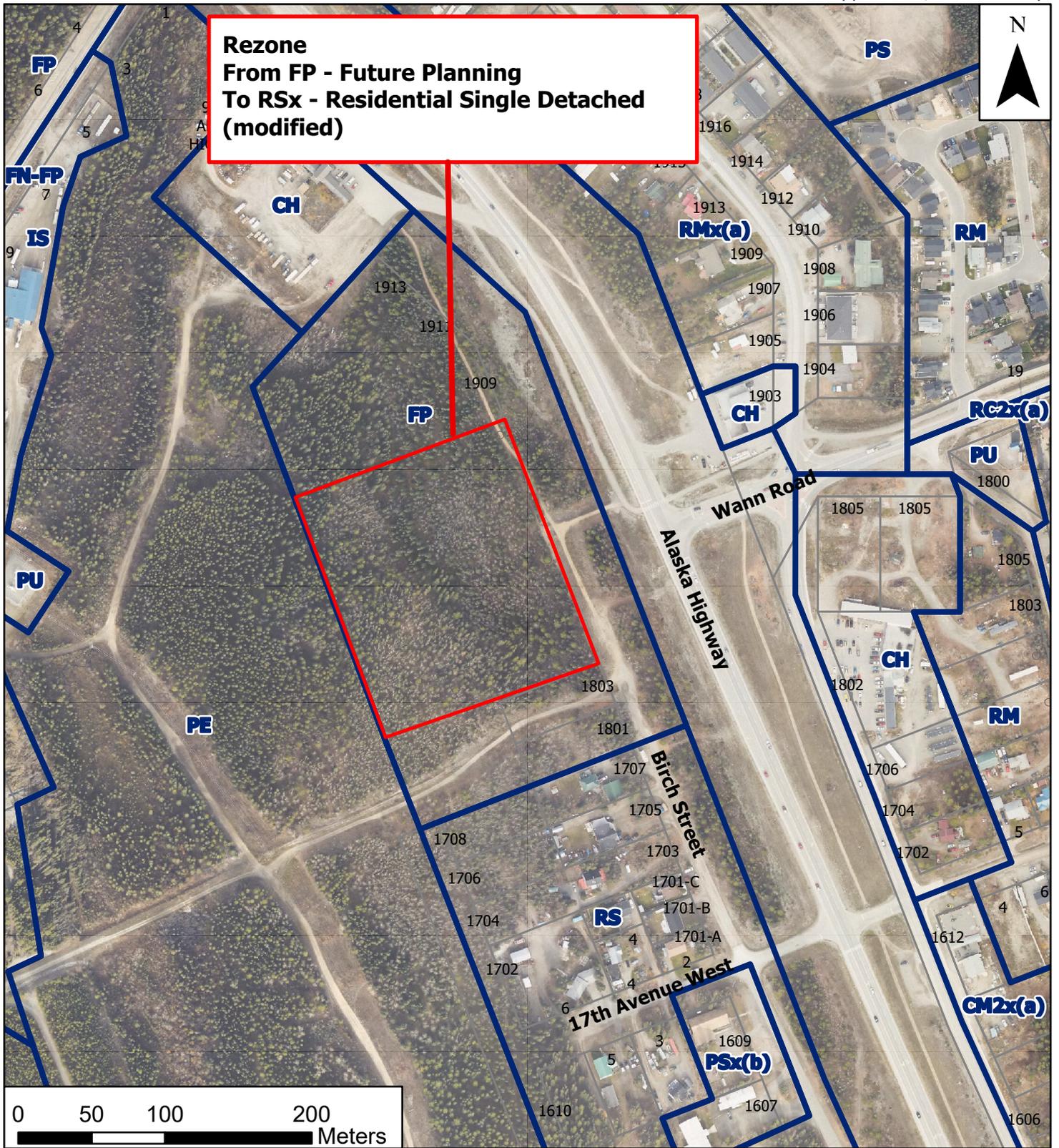
A member of the public noted that the map provided on the notification letters did not correspond to the administrative report that stated the proposed rezoning area was 2.1 hectares in area. There was an error in the administrative report and the rezoning area should have been noted as approximately 2.8 hectares, not 2.1 hectares. The map however is correct.

Crime and safety

A member of the public asked what the City and TKC intend to do in terms of crime prevention and safety in the area once the subject site is developed as they believe it will be a big issue. There is no reason to believe that the proposed development would cause more crime than any other residential development in the city and is not considered to relate to this application to rezone the subject site.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-36, a bylaw to amend the zoning of a portion of TKC Settlement Land Parcel C-16B from FP – Future Planning to RSx – Residential Single Detached (modified), be brought forward for second and third reading under the bylaw process.



DATE:
September 6, 2022

FILE NO:
Z-17-2022

 Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-36

A proposal to amend the zoning of a portion of TKC Settlement Land Parcel C-16B from FP - Future Planning to RSx - Residential Single Detached (modified).



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: November 7, 2022
RE: Public Hearing Report – Zoning Amendment - 12 Sybil Circle

ISSUE

Public Hearing Report on a bylaw to amend the zoning at 12 Sybil Circle from RR – Restricted Residential Detached to RRx – Restricted Residential Detached (modified) to allow a garden suite as a secondary use.

REFERENCES

- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-37

HISTORY

The owners of 12 Sybil Circle have applied to rezone the property from RR – Restricted Residential Detached to RRx – Restricted Residential Detached (modified) to allow a garden suite as a secondary use.

Bylaw 2022-37 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and Ta’an Kwäch’än Council;
- Mail notifications were sent to property owners within 100 m of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. One written submission with concerns was received and the proponent spoke at the public hearing.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process;
2. Amend the Bylaw at second reading; or
3. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the submissions:

- Privacy concerns;
- Impacts to residential character;
- Impacts on sunlight; and

- Impacts on the value of the adjacent property.

Privacy concerns

The submitter raised concerns that the location and height of the garden suite, which can be up to 7.0 m, as well as additional residents accommodated by the garden suite, may decrease the level of privacy on the neighbouring property.

It is noted that sections 6.7.5 and 6.7.6 of the Zoning Bylaw has requirements to minimize privacy impacts on neighbouring properties from garden suites. Of note, garden suites are subject to the requirements applicable to principal uses in the zone. More specifically to side yard setbacks, the RR zone has a minimum side yard setback of 3.0 m on one side and 1.5 m on the other side. A Development Officer may however relax one side yard setback to 0.6 m for a garden suite if it is under 4.5 m in height. If the side yard setback is reduced to 0.6 m, it would however require that no doors be permitted on the side of the building facing the reduced side yard setback, and windows would need to be placed to minimize overlook onto adjacent properties. The Development Officer can also require additional provisions to preserve the privacy of adjacent properties.

The owner also noted at the public hearing that if there were to be windows facing the neighbouring property, privacy glass would be used in order to maintain the privacy of the neighbours.

It is however acknowledged that garden suites are currently prohibited in the RR zone and that allowing the use would result in additional overlooking impacts over and above what could be reasonably expected to occur on a property within this zone, even when considering the above garden suite requirements.

Impacts to residential character

The submitter raised concerns that a garden suite may impact the residential character of the adjacent property.

Under section 6.7.4, the Zoning Bylaw has a requirement that garden suites shall be designed, sited, constructed, finished, and sided in a manner that is visually compatible with the residential character of the principal residence. Additionally, the height and size restrictions for garden suites ensure they resemble accessory structures in nature, which are already permitted on the property. Furthermore, properties across the street are zoned RCS2 – Comprehensive Residential Single Family 2 which allow garden suites. It is therefore not expected that a garden suite on the subject property would detract from the residential character of the broader neighbourhood.

Impacts on sunlight

The submitter also raised concerns that the location and height of the garden suite may impact the amount of sunlight on the adjacent property.

Garden suites are permitted to be up to 7.0 m in height. Accessory structures are however only permitted to be up to 6.0 m in height. A garden suite, if built to 7.0 m in height, may therefore produce more shadow impacts than what is already permitted on the property from an accessory building.

At the public hearing, the owner expressed that the garden suite would be at the rear of the property. They acknowledged that the garden suite would cast a shadow onto the

neighbour's backyard however they do not expect that the shadow will cast far enough into the middle of the property to significantly impact the neighbour's patio. They also noted that for portions of the day, the house already casts a shadow into their backyard.

Decrease the value of the adjacent property

The submitter raised concerns that the garden suite may decrease the value of the neighbouring property. As previously noted, the Zoning Bylaw has requirements that limit the height, size, and design of garden suites to restrict the number of people that can be accommodated by it and to mitigate potential privacy, residential character, and sunlight impacts. The value placed on privacy, residential character, and sunlight are subjective and vary from purchaser to purchaser.

Summary

A garden suite on the subject property is unlikely to cause significant impacts to the greater Whistle Bend neighbourhood, however it is acknowledged that there may be potential impacts to the adjacent properties.

Administration is therefore recommending to amend the proposed zoning amendment bylaw to limit potential privacy and sunlight impacts on the adjacent properties. The proposed amendment would require that garden suite entryways, doorways, and windows be prohibited from facing the side yard property lines in order to maintain the privacy of the neighbours. Additionally, Administration is recommending that the height of a garden suite be restricted to a maximum of 6.0 m which is consistent with the maximum height permitted for accessory structures, in order to limit sunlight impacts to what is already allowed on the property.

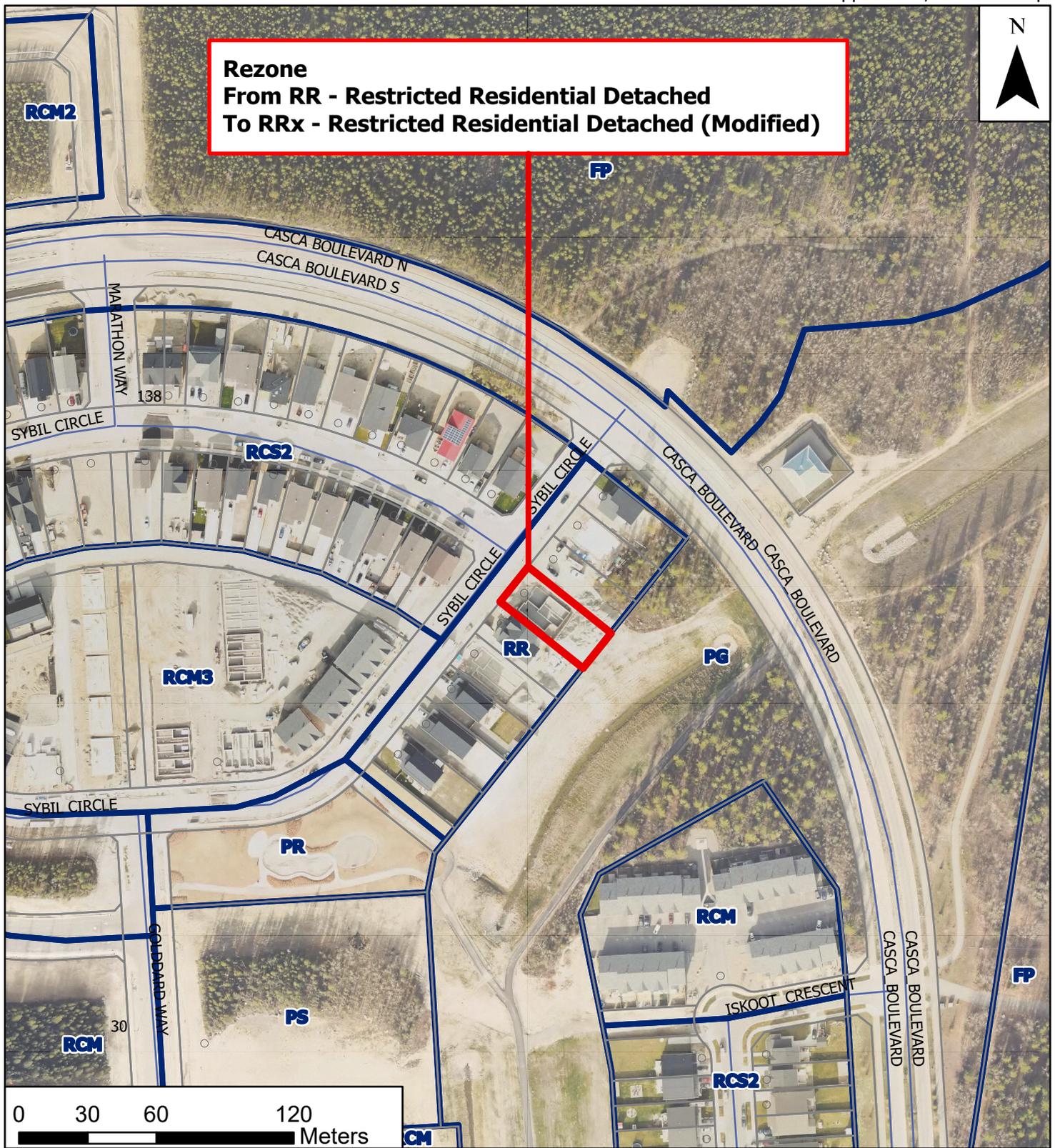
ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-37, a bylaw to amend the zoning of 12 Sybil Circle to allow a garden suite as a secondary use, be amended to prohibit garden suite entryways, doorways, and windows from facing the side yard property lines, and restrict the maximum height of a garden suite to 6.0 m, be brought forward at second and third reading under the bylaw process.

N



**Rezone
From RR - Restricted Residential Detached
To RRx - Restricted Residential Detached (Modified)**



DATE:
September 6, 2022
FILE NO:
Z-18-2022
 Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-37
A Bylaw to amend the zoning of 12 Sybil Circle from RR - Restricted Residential Detached to RRx - Restricted Residential Detached (Modified).



CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Mellisa Murray

Vice-Chair: Dan Boyd

November 7, 2022

Meeting #2022-25

-
1. New Business

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Jocelyn Curteanu

November 7, 2022

Meeting #2022-25

1. New Business